

Vanishing Culture: On Television News and Entertainment

by Jeff Ubois

Film, television, and other video production has long outpaced the collective capacity of libraries, museums, and archives to ensure long term access to it. And now, efforts to collect and preserve television are facing new obstacles from streaming services, market concentration, and current law.

Nearly thirty years ago, Librarian of Congress James H. Billington [noted](#) that "Television affects our lives from birth to death...Sadly, we have not yet sought to preserve this powerful medium in anything like a serious or systematic manner." Much has changed since the 1990s. Petabyte-scale digital television and video archives and collections now support millions of users. Television and video have shifted from Television is far less bound to physical media such as tapes and DVDs than it was, and the shifts from analog to digital, tape to disk, and broadcast to streaming and the web are well advanced. Many entertainment programs that were unavailable twenty years ago, are now available for purchase.

Still, it's unclear how much collection, preservation, or access to what's on television today has improved since Billington made his point in the 1990s. Access to streamed programs now requires explicit acceptance of licensing restrictions, which was not needed for off-air recording, and the platforms that host television programs now can take them down at any time; Paramount recently removed decades of MTV and Comedy Central content from public view.

Production and distribution of entertainment television has become concentrated to a degree not seen in years. [Ampere Analysis](#), a U.K.-based market research company, estimates that Netflix and Amazon commissioned 53% of all new original television entertainment in the first quarter of 2024.

The terms and conditions imposed on views and archives by these services are shockingly restrictive, and go well beyond current law. Netflix specifically prohibits "archiving" and "automated means to access the Netflix service" (see [Netflix Terms of Use](#), section 4.6).

Playback in an archival setting is therefore out of the question, and many other elements in the terms and conditions associated with streaming services can be difficult to understand. For example, [the Amazon Prime Video Terms of Use](#) stipulate in Section 4, subsection c, paragraph three "If you live in Germany or Austria (or German or Austrian law applies for other reasons) sentence 1 in this Section 4(c) does not apply and the remainder of this section 4(c) applies instead."

While Amazon and Netflix might preserve this content in their own archives as long as it has some economic value to them, there is little reason to think these organizations are suitable long term custodians. The record, movie, and television companies of decades past have all lost or abandoned what is now regarded as important footage.

Moving images, mostly video, will provide future generations with some of the most vivid representations of our era.

News archiving faces additional problems, including active opposition by news organizations. The first large scale television news archive, the Vanderbilt Television News Archive, was sued by CBS in 1973 (see [From Conspiracy to Conservation: Television News Archive marks 50th anniversary](#)).

Though the "Vanderbilt Clause" (17 U.S. Code § 108 (f)(3)) allows archives to record news broadcasts and loan a limited number of copies for a limited amount of time, the shift to streaming has been used to impose new terms and conditions. For example, Philo, a streaming news service that includes material from BBC and Bloomberg, [states that "Video Content on our Services may be viewed only through your Account and cannot be transferred outside of your Account."](#)

Violation of these license terms is now a matter of criminal, not civil, law: the Protecting Lawful Streaming Act of 2020 makes the provision of "illegal" streaming services a felony.

It would be a mistake to claim that the technological aspects of television archiving are now mostly settled. Provenance, deep fakes, digital rights management, format shifts, and other issues will continue to create new barriers to ensuring long term access.

But amidst all the threats to ensuring long term access to television and video, the legal issues are the hardest of all. Legislative relief of the kind offered to Vanderbilt in the 1970s seems unlikely. Sustaining public interest legal activities to guarantee that archives can continue to collect, preserve, and provide access to video content will require tens of millions of dollars annually for the foreseeable future. While commercial services such as YouTube will continue to make video available, a set of trustworthy, well-curated, comprehensive, and socially beneficial television archives may be as far off as ever.

This essay is part of the Internet Archive's [Vanishing Culture](#) series, highlighting the power and importance of preservation in our digital age.